

or nothing at all if the Supreme Court so decides. I think we all should be responsible enough to make every effort to pass laws and statutes that are clearly protecting the rights of our citizens under the Constitution, and I'd ask you to adopt the Chambers amendment.

SPEAKER BAACK: Thank you, Senator Elmer. My understanding is Senator Withem doesn't want to speak on this amendment, so we'll proceed to Senator Beutler. Do you wish to speak on the Chambers amendment?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to make a comment or two. I'm very much against Senator Chambers deleting this particular part of the amendment because, if we delete this part of the amendment we're back to where we were before. Where were we before? We were back to the basic provision of the bill which says that the Supreme Court can award these damages if the statute is found unconstitutional. That gives the Supreme Court the total power to decide whether to give defense costs to any individual any time they find a criminal statute unconstitutional. Now think about how that is going to work in this body sometimes. There are a whole variety of areas where we approach our constitutional limits because the people of this state want us to explore these areas, abortion, criminal rights, pornography, ecology, environmental issues, child support. I'm just naming the tip of the iceberg. There are dozens and dozens and dozens of them and sooner or later in a whole number of cases we're going to miss. Despite our best efforts we are going to miss and there are going to be some things declared unconstitutional. It happens every year, despite our best efforts. And what are you going to say to the public when somebody who was convicted on other accounts of child pornography comes in and get his defense costs paid because a portion of the charges were unconstitutional? I mean this is going to drive the public crazy and it will drive us crazy. And there ought to be a distinction. If this language isn't perfect, then we ought to work for other language or we ought not to pass this bill but there ought to be a distinction between people like us using our best efforts based on the information that is available to us and just giving the Supreme Court wide open, a wide open shot at us for anything we might do here. I just don't think that is fair to ourselves and it's not fair to some of the city councils and some of the city attorneys. So you can do what you want with the Chambers amendment, but if you adopt Chambers amendment